

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 999**

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**Introduced by Assembly Member Skinner**  
**(Coauthors: Assembly Members Hall, Swanson, and Torlakson)**  
(Coauthor: Senator Yee)

February 27, 2009

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An act to amend Section 1719 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 999, as amended, Skinner. Juveniles: Division of Juvenile Facilities.

Existing law sets forth the powers and duties of the Division of Juvenile Facilities in the Department of Corrections and Rehabilitation with respect to wards in its custody, including, but not limited to, the return of persons to the court of commitment for redispotion by the court, determination of offense category, and setting of parole consideration dates. Existing law requires the department to promulgate policies and regulations implementing a departmentwide system of graduated sanctions for addressing ward disciplinary matters, including extending a ward's parole consideration date, subject to appeal, from one to not more than 12 months, for a sustained serious misconduct violation, as specified. The department is also authorized to promulgate

regulations to establish a process for granting wards who have successfully responded to disciplinary sanctions a reduction of up to 50% of any time acquired for disciplinary matters.

~~This bill would revise and recast these provisions by including good behavior time credits and program time credits among the powers and duties of the division. The bill would require the projected board date, formerly referred to as the parole consideration date, of a ward to be advanced no less than one day earlier for every day of satisfactory performance, as defined, in one or more credit qualifying programs, including performance in education, rehabilitation, therapeutic, work, or other programs meant to prepare a ward for successful reentry into society. The bill would require the division to promulgate policies and regulations implementing a divisionwide system of graduated sanctions for addressing ward disciplinary matters. The bill would prohibit the division from extending or postponing a ward's projected board date, but would permit forfeiture of not more than 6 months of combined program and good behavior credits for sustained serious misconduct. The bill would require the division to provide a document signed by a division official to each ward defining what conduct constitutes serious misconduct. The bill would also provide that program credits earned before January 1, 2010, would be honored. The bill would require the division to allow wards who received projected board date extensions after January 1, 2009, and before January 1, 2010, and who have successfully responded to disciplinary sanctions a reinstatement of up to 100% of the time added.~~

*This bill would prohibit the department from extending a ward's parole consideration date, and would require the department to promulgate regulations to establish a process for granting a ward whose parole consideration hearing date was delayed due to disciplinary sanctions prior to January 1, 2011, a reduction of up to 100% of any time acquired for disciplinary matters.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1719 of the Welfare and Institutions Code  
2     is amended to read:

3     1719. (a) Commencing July 1, 2005, the following powers  
4     and duties shall be exercised and performed by the Board of Parole

1 Hearings: discharges of commitment, orders to parole and  
2 conditions thereof, revocation or suspension of parole, and  
3 disciplinary appeals.

4 (b) Any ward may appeal an adjustment to his or her parole  
5 consideration date to a panel comprised of at least two  
6 commissioners.

7 (c) The following powers and duties shall be exercised and  
8 performed by the Division of Juvenile Facilities: return of persons  
9 to the court of commitment for redispotion by the court,  
10 determination of offense category, setting of parole consideration  
11 dates, conducting annual reviews, treatment program orders,  
12 institution placements, furlough placements, return of nonresident  
13 persons to the jurisdiction of the state of legal residence,  
14 disciplinary decisionmaking, and referrals pursuant to Section  
15 1800.

16 (d) The department shall promulgate policies and regulations  
17 implementing a departmentwide system of graduated sanctions  
18 for addressing ward disciplinary matters. The disciplinary  
19 decisionmaking system shall be employed as the disciplinary  
20 system in facilities under the jurisdiction of the Division of Juvenile  
21 Facilities, and shall provide a framework for handling disciplinary  
22 matters in a manner that is consistent, timely, proportionate, and  
23 ensures the due process rights of wards. The department shall  
24 develop and implement a system of graduated sanctions which  
25 distinguishes between minor, intermediate, and serious misconduct.  
26 The department ~~may shall not~~ extend a ward's parole consideration  
27 date, ~~subject to appeal pursuant to subdivision (b), from one to not~~  
28 ~~more than 12 months, inclusive, for a sustained serious misconduct~~  
29 ~~violation if all other sanctioning options have been considered and~~  
30 ~~determined to be unsuitable in light of the ward's previous case~~  
31 ~~history and the circumstances of the misconduct. In any case in~~  
32 ~~which a parole consideration date has been extended, the~~  
33 ~~disposition report shall clearly state the reasons for the extension.~~  
34 ~~The length of any parole consideration date extension shall be~~  
35 ~~based on the seriousness of the misconduct, the ward's prior~~  
36 ~~disciplinary history, the ward's progress toward treatment~~  
37 ~~objectives, the ward's earned program credits, and any extenuating~~  
38 ~~or mitigating circumstances. The department shall promulgate~~  
39 ~~regulations to implement a table of sanctions to be used in~~  
40 ~~determining parole consideration date extensions. The. For wards~~

1 *whose parole consideration hearing dates were delayed due to*  
2 *disciplinary sanctions prior to January 1, 2011, the department*  
3 ~~also may~~ *shall* promulgate regulations to establish a process for  
4 granting *those* wards who have successfully responded to  
5 disciplinary sanctions a reduction of up to ~~50~~ *100* percent of any  
6 time acquired for disciplinary matters.

7 SECTION 1. ~~Section 1719 of the Welfare and Institutions Code~~  
8 ~~is amended to read:~~

9 1719. (a) ~~On and after July 1, 2005, the following powers and~~  
10 ~~duties shall be exercised and performed by the Board of Parole~~  
11 ~~Hearings: discharges of commitment, orders to parole and~~  
12 ~~conditions thereof, revocation or suspension of parole, and~~  
13 ~~disciplinary appeals.~~

14 (b) ~~Any ward may appeal an adjustment to his or her projected~~  
15 ~~board date to a panel comprised of at least two commissioners.~~

16 (c) ~~The following powers and duties shall be exercised and~~  
17 ~~performed by the Division of Juvenile Facilities: return of persons~~  
18 ~~to the court of commitment for redispotion by the court,~~  
19 ~~determination of offense category, setting of projected board dates,~~  
20 ~~conducting annual reviews, treatment program orders, program~~  
21 ~~time credits, good behavior time credits institution placements,~~  
22 ~~furlough placements, return of nonresident persons to the~~  
23 ~~jurisdiction of the state of legal residence, disciplinary~~  
24 ~~decisionmaking, and referrals pursuant to Section 1800.~~

25 (d) ~~Program time credits shall apply for satisfactory performance~~  
26 ~~in one or more credit qualifying programs, including, but not~~  
27 ~~limited to, education, rehabilitation, therapeutic, work, vocational~~  
28 ~~education, training, drug treatment, anger management, or other~~  
29 ~~programs meant to prepare a ward for successful reentry into~~  
30 ~~society. For every day of satisfactory performance in one or more~~  
31 ~~credit qualifying programs, as designated by the Chief Deputy~~  
32 ~~Secretary for Juvenile Justice, the projected board date of a ward~~  
33 ~~shall be advanced no less than one day earlier.~~

34 (e) ~~For the purposes of this section, "satisfactory performance"~~  
35 ~~means progress in a credit-qualifying program, such as any one of~~  
36 ~~the following: completion of assigned work, continuing or~~  
37 ~~improved participation in programming or class work, continuing~~  
38 ~~or improved cooperation with the instructor or person in charge,~~  
39 ~~substantial compliance with instructions, or meeting requirements~~  
40 ~~for participation in assigned activity.~~

1     ~~(1) Failure to work or participate in program activities for~~  
2     ~~reasons which are beyond the ward's control shall not be cause~~  
3     ~~for denial or forfeiture of participation credit. These circumstances~~  
4     ~~may include, but are not limited to, the following:~~

5     ~~(A) The ward is medically excluded or restricted from work or~~  
6     ~~program activities on a temporary basis because of illness or injury.~~

7     ~~(B) The ward has failed to perform or participate after~~  
8     ~~demonstrating a reasonable effort in the specified activity.~~

9     ~~(C) The ward is restricted from reporting to or participating in~~  
10    ~~an assigned work or program activity by an order or action of~~  
11    ~~institution staff unrelated to a disciplinary infraction by the ward.~~

12    ~~(f) Good behavior time credits shall be provided independently~~  
13    ~~of program credit for substantial compliance with rules of the~~  
14    ~~institution, and substantial compliance with instructions from staff,~~  
15    ~~the instructor, or the person in charge. For every day of substantial~~  
16    ~~compliance with disciplinary rules and instructions, a ward shall~~  
17    ~~have his or her projected board date advanced no less than one-half~~  
18    ~~day.~~

19    ~~(g) The division shall promulgate policies and regulations~~  
20    ~~implementing a divisionwide system of graduated sanctions for~~  
21    ~~addressing ward disciplinary matters. The disciplinary~~  
22    ~~decisionmaking system shall be employed as the disciplinary~~  
23    ~~system in facilities under the jurisdiction of the Division of Juvenile~~  
24    ~~Facilities, and shall provide a framework for handling disciplinary~~  
25    ~~matters in a manner that is consistent, timely, proportionate, and~~  
26    ~~ensures the due process rights of wards. The division shall not~~  
27    ~~extend or postpone a ward's projected board date. Sanctions for~~  
28    ~~sustained serious misconduct may include forfeiture of not more~~  
29    ~~than six months of combined program and good behavior credits~~  
30    ~~established pursuant to this chapter, if all other sanctioning options~~  
31    ~~have been considered and determined to be unsuitable in light of~~  
32    ~~the ward's previous case history and the circumstances of the~~  
33    ~~misconduct. In any case in which a program time or good behavior~~  
34    ~~credit has been forfeited, the disposition report shall clearly state~~  
35    ~~the reasons for the forfeiture. The length of any credit forfeiture~~  
36    ~~shall be based on the seriousness of the misconduct, the ward's~~  
37    ~~prior disciplinary history, the ward's progress toward treatment~~  
38    ~~objectives, the ward's earned program or good behavior credits,~~  
39    ~~and any extenuating or mitigating circumstances. The department~~  
40    ~~shall promulgate regulations to implement a table of sanctions to~~

1 ~~be used in determining program or good behavior time credit~~  
2 ~~forfeitures. The department also shall promulgate regulations to~~  
3 ~~establish a process for granting wards who have successfully~~  
4 ~~responded to disciplinary sanctions a reinstatement of up to 100~~  
5 ~~percent of any credit forfeited for disciplinary matters. A document~~  
6 ~~signed by a department official shall be provided to each ward~~  
7 ~~describing what defines “serious misconduct.”~~

8 ~~(h) No less than every six months, a ward’s projected board~~  
9 ~~date shall be adjusted according to the net credit earned since the~~  
10 ~~last adjustment.~~

11 ~~(i) Program credits earned before January 1, 2010, shall be~~  
12 ~~honored. The division shall allow wards who received projected~~  
13 ~~board date extensions after January 1, 2009, and before January~~  
14 ~~1, 2010, and who have successfully responded to disciplinary~~  
15 ~~sanctions a reinstatement of up to 100 percent of the time added.~~

16 ~~(j) Nothing in this section shall preclude the division from~~  
17 ~~providing credits or other incentives for other desirable behaviors~~  
18 ~~or program participation.~~